

1 A bill to be entitled
 2 An act relating to extracurricular activities;
 3 amending s. 1002.20, F.S.; conforming cross-
 4 references; revising provisions related to
 5 participation in extracurricular activities; amending
 6 s. 1002.33, conforming cross-references; conforming
 7 provisions; amending s. 1006.15, F.S.; providing
 8 definitions; revising academic eligibility
 9 requirements; specifying grounds for student
 10 ineligibility for participation in interscholastic
 11 athletics; specifying conditions under which students
 12 who are enrolled in public schools, certain private
 13 schools, or home education programs may participate in
 14 the extracurricular activities of a public school;
 15 deleting obsolete provisions; amending s. 1006.20,
 16 F.S.; providing requirements regarding fees and
 17 admission prices; authorizing member schools to join
 18 other associations; revising provisions regarding
 19 eligibility, transfer, and recruiting; providing
 20 procedures for resolving student eligibility disputes;
 21 deleting provisions relating to the appeals committees
 22 of the Florida High School Athletic Association
 23 (FHSAA); amending s. 1012.795, F.S.; authorizing the
 24 Education Practices Commission to suspend the educator
 25 certificate of a person who has committed a third
 26 recruiting offense as determined by the FHSAA;

27 requiring the FHSAA to report certain information to
 28 the department; amending s. 1012.796, F.S.; requiring
 29 department staff to advise the commissioner of all
 30 referrals by the FHSAA relating to recruiting offenses
 31 by certain individuals; providing an effective date.
 32

33 Be It Enacted by the Legislature of the State of Florida:
 34

35 Section 1. Subsections (17) and (18) of section 1002.20,
 36 Florida Statutes, are amended to read:

37 1002.20 K-12 student and parent rights.—Parents of public
 38 school students must receive accurate and timely information
 39 regarding their child's academic progress and must be informed
 40 of ways they can help their child to succeed in school. K-12
 41 students and their parents are afforded numerous statutory
 42 rights including, but not limited to, the following:

43 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

44 (a) Eligibility.—Eligibility requirements for all students
 45 participating in interscholastic ~~high school~~ athletic
 46 competition must allow a student to be eligible in the school in
 47 which he or she first enrolls each school year, the school in
 48 which the student makes himself or herself a candidate for an
 49 athletic team by engaging in practice before enrolling, or the
 50 school to which the student has transferred ~~with approval of the~~
 51 ~~district school board,~~ in accordance with ~~the provisions of s.~~
 52 1006.20 ~~1006.20(2)(a)~~.

53 (b) Medical evaluation.—Students must satisfactorily pass
 54 a medical evaluation each year before participating in
 55 athletics, unless the parent objects in writing based on
 56 religious tenets or practices, in accordance with ~~the provisions~~
 57 ~~of s. 1006.20 1006.20(2)(d).~~

58 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with ~~the~~
 59 ~~provisions of s. 1006.15:~~

60 (a) Eligibility.—Students who meet specified academic and
 61 conduct requirements are eligible to participate in
 62 extracurricular activities.

63 (b) Participation Home education students.—All public
 64 school students, including those enrolled in public schools of
 65 choice or virtual education, all home education students, and
 66 students attending an unaffiliated private school may
 67 participate in an extracurricular activity not offered by the
 68 student's school or home education program at any public school
 69 in the school district in which the student resides or a public
 70 school in another school district which the student could choose
 71 to attend pursuant to an interdistrict controlled open
 72 enrollment policy ~~who meet specified academic and conduct~~
 73 ~~requirements are eligible to participate in extracurricular~~
 74 ~~activities at the public school to which the student would be~~
 75 ~~assigned or could choose to attend according to district school~~
 76 ~~board policies, or may develop an agreement to participate at a~~
 77 ~~private school.~~

78 ~~(c) Charter school students.—Charter school students who~~

79 ~~meet specified academic and conduct requirements are eligible to~~
 80 ~~participate in extracurricular activities at the public school~~
 81 ~~to which the student would be assigned or could choose to attend~~
 82 ~~according to district school board policies, unless such~~
 83 ~~activity is provided by the student's charter school.~~

84 ~~(d) Florida Virtual School full-time students. Florida~~
 85 ~~Virtual School full-time students who meet specified academic~~
 86 ~~and conduct requirements are eligible to participate in~~
 87 ~~extracurricular activities at the public school to which the~~
 88 ~~student would be assigned or could choose to attend according to~~
 89 ~~district school board policies.~~

90 (c)(e) Discrimination prohibited.—Organizations that
 91 regulate or govern extracurricular activities of public schools
 92 shall not discriminate against any eligible student based on an
 93 educational choice of public, private, or home education.

94 Section 2. Subsection (11) of section 1002.33, Florida
 95 Statutes, is amended to read:

96 1002.33 Charter schools.—

97 (11) PARTICIPATION IN ~~INTERSCHOLASTIC~~ EXTRACURRICULAR
 98 ACTIVITIES.—A charter school student is eligible to participate
 99 in an ~~interscholastic~~ extracurricular activity at another ~~the~~
 100 public school ~~to which the student would be otherwise assigned~~
 101 ~~to attend~~ pursuant to s. 1006.15 ~~1006.15(3)(d)~~.

102 Section 3. Subsections (2), (3), (4), and (8) of section
 103 1006.15, Florida Statutes, are amended to read:

104 1006.15 Student standards for eligibility to participate

105 ~~participation in interscholastic and intrascholastic~~
 106 ~~extracurricular student~~ activities; regulation.-

107 (2) Interscholastic extracurricular student activities are
 108 an important complement to the academic curriculum.

109 Participation in a comprehensive extracurricular and academic
 110 program contributes to student development of the social and
 111 intellectual skills necessary to become a well-rounded adult. As
 112 used in this part section, the term:

113 (a) "Eligible to participate" means meeting the
 114 requirements of this section to participate in extracurricular
 115 activities, including tryouts, off-season conditioning, summer
 116 workouts, preseason conditioning, in-season practice, or
 117 contests. However, such participation may be limited if the
 118 activity is at maximum capacity or if the student does not have
 119 the requisite skill and ability to participate.

120 (b) "Extracurricular activity" means a ~~any~~ school-
 121 authorized or education-related activity occurring during or
 122 outside the regular instructional school day.

123 (c) "Home education cooperative" means a parent-directed
 124 group of individual home education students that provides
 125 opportunities for extracurricular activities for students in the
 126 group.

127 (d) "Nonprofit association" means the nonprofit
 128 association that governs interscholastic athletic competition in
 129 this state pursuant to s. 1006.20.

130 (e) "Public school student" means a student who is

131 attending a traditional public school, charter school, magnet
 132 school, alternative school, developmental research laboratory
 133 school, other public school of choice, or public virtual school.

134 (f) "Unaffiliated private school" means a private school
 135 that is not a member of the nonprofit association.

136 (3) (a) A student is ~~To be~~ eligible to participate in
 137 interscholastic extracurricular ~~student~~ activities if the,~~a~~
 138 student ~~must~~:

139 1. Maintains ~~Maintain~~ a grade point average of 2.0 or
 140 above on a 4.0 scale, or its equivalent, in the previous
 141 semester or a cumulative grade point average of 2.0 or above on
 142 a 4.0 scale, or its equivalent, ~~in the courses required by s.~~
 143 ~~1002.3105(5) or s. 1003.4282.~~

144 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
 145 of an academic performance contract between the student, the
 146 district school board or private school, the appropriate
 147 governing association, and the student's parents, ~~if the~~
 148 student's cumulative grade point average falls below 2.0, or its
 149 equivalent, on a 4.0 scale ~~in the courses required by s.~~
 150 ~~1002.3105(5) or s. 1003.4282.~~ At a minimum, the contract must
 151 require that the student attend summer school, or its graded
 152 equivalent, between grades 9 and 10 or grades 10 and 11, as
 153 necessary.

154 3. Has ~~Have~~ a cumulative grade point average of 2.0 or
 155 above on a 4.0 scale, or its equivalent, ~~in the courses required~~
 156 ~~by s. 1002.3105(5) or s. 1003.4282~~ during his or her junior or

157 senior year.

158 4. Maintains ~~Maintain~~ satisfactory conduct as prescribed
 159 by the district school board's or private school's code,
 160 ~~including adherence to appropriate dress and other codes of~~
 161 student conduct and complies with sports ethics and substance
 162 abuse policies of the Florida High School Athletic Association
 163 (FHSA) policies described in s. 1006.07(2). If a student is
 164 convicted of, or is found to have committed, a felony or a
 165 delinquent act that would have been a felony if committed by an
 166 adult, regardless of whether adjudication is withheld, the
 167 student's participation in ~~interscholastic~~ extracurricular
 168 activities is contingent upon established and published district
 169 school board or private school policy.

170 5. Is a home education student who meets the requirements
 171 of the home education program pursuant to s. 1002.41, which must
 172 satisfy the requirements of subparagraphs 1., 2., and 3.

173 (b) A student may only be declared ineligible to
 174 participate in interscholastic athletic competition if:

175 1. The student fails to achieve compliance with paragraph
 176 (a);

177 2. The student has been recruited, as defined by s.
 178 1006.20(2)(b), and sanctions have been imposed against the
 179 responsible parties;

180 3. The student has exhausted 4 years of athletic
 181 eligibility, graduated from high school, or attained the maximum
 182 age established by the nonprofit association, whichever occurs

183 first;

184 4. The student forfeits his or her amateur status, as
 185 defined by the nonprofit association; or

186 5. The student does not pass a medical evaluation pursuant
 187 to s. 1006.20(2)(c), except as otherwise provided in s.
 188 1006.20(2)(d).

189 (c)1.(b) A ~~Any~~ student who is exempt from attending a full
 190 school day based on rules adopted by the district school board
 191 for double session schools or programs, experimental schools, or
 192 schools operating under emergency conditions must maintain the
 193 grade point average required by this section and pass each class
 194 for which he or she is enrolled.

195 2. A student who transfers from a home education program
 196 to a public or private school before or during the first
 197 semester of the school year is academically eligible to
 198 participate in extracurricular activities during the first
 199 semester if the student has a successful evaluation from the
 200 previous school year pursuant to s. 1002.41.

201 3. A public school or private school student who transfers
 202 into a home education program after being declared ineligible
 203 for participation in extracurricular activities pursuant to
 204 subparagraph (b)1. is ineligible to participate in such
 205 activities as a home education student until the student has
 206 successfully completed one semester in a home education program
 207 pursuant to s. 1002.41.

208 4. A public school student who transfers to a private

209 school or another public school, or a private school student who
 210 transfers to a public school or another private school, after
 211 being declared ineligible to participate in extracurricular
 212 activities pursuant to subparagraph (b)1. is ineligible to
 213 participate in such activities until the student has
 214 successfully completed one semester at the school to which he or
 215 she transfers and meets the requirements of paragraph (a).

216 (d)-(e) A public school student, a student attending an
 217 unaffiliated private school, or a An individual home education
 218 student is eligible to participate in an extracurricular
 219 activity that is not offered by the student's school or home
 220 education program. Participation may occur at any the public
 221 school in the school district in which the student resides to
 222 which the student would be assigned according to district school
 223 board attendance area policies or a public school in another
 224 school district which the student could choose to attend
 225 pursuant to an district or interdistrict controlled open
 226 enrollment policy. A home education student provisions, or may
 227 also develop an agreement to participate at a private school, in
 228 the interscholastic or extracurricular activities of that
 229 school. In order to participate under this paragraph, a student
 230 must meet, provided the following conditions are met:

231 1. The home education student must meet the requirements
 232 of the home education program pursuant to s. 1002.41.

233 2. During the period of participation at a school, the
 234 home education student must demonstrate educational progress as

235 ~~required in paragraph (b) in all subjects taken in the home~~
236 ~~education program by a method of evaluation agreed upon by the~~
237 ~~parent and the school principal which may include: review of the~~
238 ~~student's work by a certified teacher chosen by the parent;~~
239 ~~grades earned through correspondence; grades earned in courses~~
240 ~~taken at a Florida College System institution, university, or~~
241 ~~trade school; standardized test scores above the 35th~~
242 ~~percentile; or any other method designated in s. 1002.41.~~

243 ~~3. The home education student must meet the same residency~~
244 ~~requirements as other students in the school at which he or she~~
245 ~~participates.~~

246 ~~1.4.~~ The home education student must meet the same
247 standards of acceptance, behavior, and performance as required
248 of other students in extracurricular activities.

249 ~~2.5.~~ The student must register with the school his or her
250 intent to participate in ~~interscholastic~~ extracurricular
251 activities as a representative of the school before the
252 beginning date of the nonathletic activity or season for the
253 athletic activity in which he or she wishes to participate. A
254 ~~home education~~ student must be able to participate in curricular
255 activities if that is a requirement for an extracurricular
256 activity.

257 3. A student who is enrolled in an unaffiliated private
258 school, home education program, full-time public virtual school,
259 or a public school that does not offer any interscholastic
260 athletic programs may only participate in interscholastic

261 athletics at the school in which the student first makes himself
262 or herself a candidate for an athletic team by engaging in
263 practice.

264 4. The student's parent is responsible for transporting
265 the student to and from the school at which the student
266 participates. The school the student attends, the school at
267 which the student participates in the extracurricular activity,
268 the district school board, and the nonprofit association are
269 exempt from civil liability arising from any injury to the
270 student which occurs during such transportation.

271 ~~6. A student who transfers from a home education program~~
272 ~~to a public school before or during the first grading period of~~
273 ~~the school year is academically eligible to participate in~~
274 ~~interscholastic extracurricular activities during the first~~
275 ~~grading period provided the student has a successful evaluation~~
276 ~~from the previous school year, pursuant to subparagraph 2.~~

277 ~~7. Any public school or private school student who has~~
278 ~~been unable to maintain academic eligibility for participation~~
279 ~~in interscholastic extracurricular activities is ineligible to~~
280 ~~participate in such activities as a home education student until~~
281 ~~the student has successfully completed one grading period in~~
282 ~~home education pursuant to subparagraph 2. to become eligible to~~
283 ~~participate as a home education student.~~

284 ~~(d) An individual charter school student pursuant to s.~~
285 ~~1002.33 is eligible to participate at the public school to which~~
286 ~~the student would be assigned according to district school board~~

287 ~~attendance area policies or which the student could choose to~~
288 ~~attend, pursuant to district or interdistrict controlled open-~~
289 ~~enrollment provisions, in any interscholastic extracurricular~~
290 ~~activity of that school, unless such activity is provided by the~~
291 ~~student's charter school, if the following conditions are met:~~

292 ~~1. The charter school student must meet the requirements~~
293 ~~of the charter school education program as determined by the~~
294 ~~charter school governing board.~~

295 ~~2. During the period of participation at a school, the~~
296 ~~charter school student must demonstrate educational progress as~~
297 ~~required in paragraph (b).~~

298 ~~3. The charter school student must meet the same residency~~
299 ~~requirements as other students in the school at which he or she~~
300 ~~participates.~~

301 ~~4. The charter school student must meet the same standards~~
302 ~~of acceptance, behavior, and performance that are required of~~
303 ~~other students in extracurricular activities.~~

304 ~~5. The charter school student must register with the~~
305 ~~school his or her intent to participate in interscholastic~~
306 ~~extracurricular activities as a representative of the school~~
307 ~~before the beginning date of the season for the activity in~~
308 ~~which he or she wishes to participate. A charter school student~~
309 ~~must be able to participate in curricular activities if that is~~
310 ~~a requirement for an extracurricular activity.~~

311 ~~6. A student who transfers from a charter school program~~
312 ~~to a traditional public school before or during the first~~

313 ~~grading period of the school year is academically eligible to~~
314 ~~participate in interscholastic extracurricular activities during~~
315 ~~the first grading period if the student has a successful~~
316 ~~evaluation from the previous school year, pursuant to~~
317 ~~subparagraph 2.~~

318 ~~7. Any public school or private school student who has~~
319 ~~been unable to maintain academic eligibility for participation~~
320 ~~in interscholastic extracurricular activities is ineligible to~~
321 ~~participate in such activities as a charter school student until~~
322 ~~the student has successfully completed one grading period in a~~
323 ~~charter school pursuant to subparagraph 2. to become eligible to~~
324 ~~participate as a charter school student.~~

325 ~~(c) A student of the Florida Virtual School full-time~~
326 ~~program may participate in any interscholastic extracurricular~~
327 ~~activity at the public school to which the student would be~~
328 ~~assigned according to district school board attendance area~~
329 ~~policies or which the student could choose to attend, pursuant~~
330 ~~to district or interdistrict controlled open enrollment~~
331 ~~policies, if the student:~~

332 ~~1. During the period of participation in the~~
333 ~~interscholastic extracurricular activity, meets the requirements~~
334 ~~in paragraph (a).~~

335 ~~2. Meets any additional requirements as determined by the~~
336 ~~board of trustees of the Florida Virtual School.~~

337 ~~3. Meets the same residency requirements as other students~~
338 ~~in the school at which he or she participates.~~

339 ~~4. Meets the same standards of acceptance, behavior, and~~
 340 ~~performance that are required of other students in~~
 341 ~~extracurricular activities.~~

342 ~~5. Registers his or her intent to participate in~~
 343 ~~interscholastic extracurricular activities with the school~~
 344 ~~before the beginning date of the season for the activity in~~
 345 ~~which he or she wishes to participate. A Florida Virtual School~~
 346 ~~student must be able to participate in curricular activities if~~
 347 ~~that is a requirement for an extracurricular activity.~~

348 ~~(f) A student who transfers from the Florida Virtual~~
 349 ~~School full-time program to a traditional public school before~~
 350 ~~or during the first grading period of the school year is~~
 351 ~~academically eligible to participate in interscholastic~~
 352 ~~extracurricular activities during the first grading period if~~
 353 ~~the student has a successful evaluation from the previous school~~
 354 ~~year pursuant to paragraph (a).~~

355 ~~(g) A public school or private school student who has been~~
 356 ~~unable to maintain academic eligibility for participation in~~
 357 ~~interscholastic extracurricular activities is ineligible to~~
 358 ~~participate in such activities as a Florida Virtual School~~
 359 ~~student until the student successfully completes one grading~~
 360 ~~period in the Florida Virtual School pursuant to paragraph (a).~~

361 (4) The student standards for participation in
 362 interscholastic extracurricular activities must be applied
 363 beginning with the student's first semester of the 9th grade.
 364 Each student must meet such other requirements for participation

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365 as may be established by the district school board; however,
366 such requirements must apply on an equal basis to all students
367 and a district school board may not make establish requirements
368 for participation in interscholastic extracurricular activities
369 which make participation in such activities less accessible to a
370 transfer student or a student enrolled in a public school of
371 choice, an unaffiliated private school, or a home education
372 program students than to other students. A district school board
373 or private school must equitably apply its transfer policies
374 regardless of the reason for the transfer and may not establish
375 transfer student eligibility policies which are more stringent
376 than the policies established by the nonprofit association
377 ~~Except as set forth in paragraph (3)(c), evaluation processes or~~
378 ~~requirements that are placed on home education student~~
379 ~~participants may not go beyond those that apply under s. 1002.41~~
380 ~~to home education students generally.~~

381 ~~(8)(a) The Florida High School Athletic Association~~
382 ~~(FHSAA), in cooperation with each district school board, shall~~
383 ~~facilitate a program in which a middle school or high school~~
384 ~~student who attends a private school shall be eligible to~~
385 ~~participate in an interscholastic or intrascholastic sport at a~~
386 ~~public high school, a public middle school, or a 6-12 public~~
387 ~~school that is zoned for the physical address at which the~~
388 ~~student resides if:~~

389 ~~1. The private school in which the student is enrolled is~~
390 ~~not a member of the FHSAA and does not offer an interscholastic~~

391 ~~or intrascholastic athletic program.~~

392 ~~2. The private school student meets the guidelines for the~~
 393 ~~conduct of the program established by the FHSAA's board of~~
 394 ~~directors and the district school board. At a minimum, such~~
 395 ~~guidelines shall provide:~~

396 ~~a. A deadline for each sport by which the private school~~
 397 ~~student's parents must register with the public school in~~
 398 ~~writing their intent for their child to participate at that~~
 399 ~~school in the sport.~~

400 ~~b. Requirements for a private school student to~~
 401 ~~participate, including, but not limited to, meeting the same~~
 402 ~~standards of eligibility, acceptance, behavior, educational~~
 403 ~~progress, and performance which apply to other students~~
 404 ~~participating in interscholastic or intrascholastic sports at a~~
 405 ~~public school or FHSAA member private school.~~

406 ~~(b) The parents of a private school student participating~~
 407 ~~in a public school sport under this subsection are responsible~~
 408 ~~for transporting their child to and from the public school at~~
 409 ~~which the student participates. The private school the student~~
 410 ~~attends, the public school at which the student participates in~~
 411 ~~a sport, the district school board, and the FHSAA are exempt~~
 412 ~~from civil liability arising from any injury that occurs to the~~
 413 ~~student during such transportation.~~

414 ~~(c) For each academic year, a private school student may~~
 415 ~~only participate at the public school in which the student is~~
 416 ~~first registered under sub-subparagraph (a)2.a. or makes himself~~

417 ~~or herself a candidate for an athletic team by engaging in a~~
 418 ~~practice.~~

419 ~~(d) The athletic director of each participating FHSAA~~
 420 ~~member public school shall maintain the student records~~
 421 ~~necessary for eligibility, compliance, and participation in the~~
 422 ~~program.~~

423 ~~(e) Any non-FHSAA member private school that has a student~~
 424 ~~who wishes to participate in this program must make all student~~
 425 ~~records, including, but not limited to, academic, financial,~~
 426 ~~disciplinary, and attendance records, available upon request of~~
 427 ~~the FHSAA.~~

428 ~~(f) A student must apply to participate in this program~~
 429 ~~through the FHSAA program application process.~~

430 ~~(g) Only students who are enrolled in non-FHSAA member~~
 431 ~~private schools consisting of 125 students or fewer are eligible~~
 432 ~~to participate in the program in any given academic year.~~

433 Section 4. Subsection (1), paragraphs (a), (b), (f), (g),
 434 (h), and (i) of subsection (2), and subsection (7) of section
 435 1006.20, Florida Statutes, are amended to read:

436 1006.20 Athletics in public K-12 schools.—

437 (1) GOVERNING NONPROFIT ASSOCIATION ~~ORGANIZATION~~.—The
 438 Florida High School Athletic Association (FHSAA) is designated
 439 ~~as~~ the governing nonprofit association for purposes of
 440 membership in the National Federation of State High School
 441 Associations ~~organization of athletics in Florida public~~
 442 ~~schools~~. If, at any time, the FHSAA fails to meet the provisions

443 of this part section, the commissioner, with the approval of the
 444 State Board of Education, shall designate another a nonprofit
 445 association organization to govern interscholastic athletic
 446 competition in this state and serve as Florida's voting member
 447 association of the National Federation of State High School
 448 Associations athletics with the approval of the State Board of
 449 Education. The FHSAA is not a state agency as defined in s.
 450 120.52 but is. ~~The FHSAA shall be subject to ss. 1006.15-~~
 451 1006.19. Any special event fees, sanctioning fees, including
 452 third-party sanctioning fees, or contest receipts collected
 453 annually by the FHSAA may not exceed its actual costs to perform
 454 the function or duty that is the subject of or justification for
 455 the fee the provisions of s. 1006.19. The FHSAA shall offer
 456 spectators seeking admission to interscholastic athletic
 457 competitions the option of purchasing a single-day pass or a
 458 multiple-day pass that is at a cost below that which one would
 459 pay on a per-event basis for the same number of contests. A
 460 ~~private school that wishes to engage in high school athletic~~
 461 ~~competition with a public high school may become a member of the~~
 462 ~~FHSAA~~. Any high school in the state, including private schools,
 463 traditional public schools, charter schools, virtual schools,
 464 and home education cooperatives, may become a member of the
 465 FHSAA and participate in the activities of the FHSAA. ~~However,~~
 466 Membership in the FHSAA is not mandatory for any school. The
 467 FHSAA shall allow a school the option of joining the association
 468 as a full-time member or on a per-sport basis and may not

469 prohibit or discourage any school from simultaneously
 470 maintaining membership in the FHSAA and another athletic
 471 association. The FHSAA may not:

472 (a) Deny or discourage interscholastic athletic
 473 competition between its member schools and nonmember ~~non-FHSAA~~
 474 ~~member Florida~~ schools, including members of another athletic
 475 ~~association. governing organization, and may not take~~

476 (b) Engage in any retributory or discriminatory action
 477 against any of its member schools that seek to participate in
 478 interscholastic athletic competition with nonmember ~~non-FHSAA~~
 479 ~~member Florida~~ schools or become members in other associations
 480 for a sport for which they are not a member of the FHSAA. ~~The~~
 481 ~~FHSAA may not unreasonably withhold~~

482 (c) Withhold its approval of an application to become an
 483 affiliate member of the National Federation of State High School
 484 Associations submitted by any other association ~~organization~~
 485 that governs interscholastic athletic competition in this state
 486 which meets the requirements of the National Federation of State
 487 High School Associations. The commissioner may identify other
 488 associations that govern interscholastic athletic competition in
 489 compliance with the requirements of the National Federation of
 490 State High School Associations. ~~The bylaws of the FHSAA are the~~
 491 ~~rules by which high school athletic programs in its member~~
 492 ~~schools, and the students who participate in them, are governed,~~
 493 ~~unless otherwise specifically provided by statute.~~ For the
 494 purposes of this section, "high school" includes grades 6

495 through 12.

496 (2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING ADOPTION
 497 ~~OF BYLAWS, POLICIES; ELIGIBILITY DISPUTE RESOLUTION, OR~~
 498 ~~GUIDELINES.~~—

499 (a) The FHSAA shall ~~adopt bylaws that, unless specifically~~
 500 ~~provided by statute,~~ establish eligibility requirements for all
 501 students who participate in interscholastic high school athletic
 502 competition in its member schools. A ~~The bylaws governing~~
 503 ~~residence and transfer shall allow the student~~ is to be eligible
 504 in the school in which he or she first enrolls each school year
 505 or the school in which the student makes himself or herself a
 506 candidate for an athletic team by engaging in a practice before
 507 ~~prior to enrolling in the school.~~ A student who transfers ~~The~~
 508 ~~bylaws shall also allow the student to be eligible in the school~~
 509 ~~to which the student has transferred during the school year~~ is
 510 eligible in the school to which he or she transfers ~~if the~~
 511 ~~transfer is made by a deadline established by the FHSAA, which~~
 512 ~~may not be prior to the date authorized for the beginning of~~
 513 ~~practice for the sport. These transfers shall be allowed~~
 514 ~~pursuant to the district school board policies in the case of~~
 515 ~~transfer to a public school or pursuant to the private school~~
 516 ~~policies in the case of transfer to a private school. The~~
 517 ~~student shall be eligible in that school so long as he or she~~
 518 ~~remains enrolled in that school. Subsequent eligibility shall be~~
 519 ~~determined and enforced through the FHSAA's bylaws. Requirements~~
 520 ~~governing eligibility and transfer between member schools shall~~

521 ~~be applied similarly to public school students and private~~
522 ~~school students.~~

523 (b) The FHSAA shall ~~adopt bylaws that specifically~~
524 prohibit the recruiting of students for athletic purposes and.
525 ~~The bylaws shall~~ prescribe penalties and an appeals process for
526 athletic recruiting violations. Recruiting is any effort by a
527 school employee or athletic department staff member to pressure,
528 urge, or entice a student to attend that school for the purpose
529 of participating in interscholastic athletic competition as
530 determined by a neutral third party based upon a preponderance
531 of the evidence.

532 1. If it is determined that a school has recruited a
533 student ~~in violation of FHSAA bylaws,~~ the FHSAA may require the
534 school to participate in a higher classification for the sport
535 in which the recruited student competes for a minimum of one
536 classification cycle, in addition to any other appropriate fine
537 and sanction imposed on the school, its coaches, or adult
538 representatives who commit ~~violate~~ recruiting violations ~~rules~~.

539 2. Any recruitment by an adult in violation of FHSAA
540 bylaws shall result in forfeiture of every competition in which
541 the recruited student participates and an escalating punishment,
542 as follows:

543 a. For a first offense, a \$5,000 fine.

544 b. For a second offense, a \$7,500 fine and, if the
545 individual who committed the violation is employed by the school
546 district, suspension without pay from any coaching, directing,

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547 or promoting any extracurricular activity for 12 months.

548 c. For a third offense, a \$10,000 fine and, if the
549 individual who committed the violation holds a temporary or
550 professional certificate under s. 1012.55 or s. 1012.56, the
551 FHSAA shall refer the violation to the department for
552 investigation pursuant to s. 1012.796. If the complaint is
553 upheld, the individual's Florida educator's certificate must be
554 revoked for a period of 3 years, in addition to the available
555 penalties under s. 1012.796.

556
557 A school board, alumni association, foundation, parent-teacher
558 association, or booster association may not directly or
559 indirectly pay a fine or penalty assessed against an individual
560 under this paragraph. A student may only ~~not~~ be declared
561 ineligible based on a recruiting violation if the FHSAA has
562 imposed sanctions against the individuals or member school
563 engaging in recruiting ~~of recruiting rules unless the student or~~
564 parent has falsified any enrollment or eligibility document or
565 accepted any benefit or any promise of benefit if such benefit
566 is not generally available to the school's students or family
567 members or is based in any way on athletic interest, potential,
568 or performance.

569 (f) The FHSAA shall adopt bylaws that establish sanctions
570 for coaches who have committed major violations of the FHSAA's
571 bylaws and policies.

572 1. Major violations include, but are not limited to,

573 knowingly allowing an ineligible student to participate in a
574 contest representing a member school in an interscholastic
575 contest or committing a violation of the FHSAA's recruiting or
576 sports ethics ~~sportsmanship~~ policies.

577 2. Sanctions placed upon an individual coach may include,
578 but are not limited to, prohibiting or suspending the coach from
579 coaching, participating in, or attending any athletic activity
580 sponsored, recognized, or sanctioned by the FHSAA and the member
581 school for which the coach committed the violation. If a coach
582 is sanctioned by the FHSAA and the coach transfers to another
583 member school, those sanctions remain in full force and effect
584 during the term of the sanction.

585 3. If a member school is assessed a financial penalty as a
586 result of a coach committing a major violation, the coach shall
587 reimburse the member school before being allowed to coach,
588 participate in, or attend any athletic activity sponsored,
589 recognized, or sanctioned by the FHSAA and a member school.

590 4. The FHSAA shall establish a due process procedure for
591 coaches sanctioned under this paragraph, ~~consistent with the~~
592 ~~appeals procedures set forth in subsection (7).~~

593 (g) The FHSAA shall provide a process for the resolution
594 of student eligibility disputes. The FHSAA shall provide an
595 opportunity to resolve eligibility issues through an informal
596 conference procedure, which may include waiver of the bylaws
597 governing the eligibility determination. The FHSAA must provide
598 written notice to the student athlete, parent, and member school

599 stating specific findings of fact that support a determination
 600 of ineligibility. The student athlete must request an informal
 601 conference if he or she intends to contest the charges. The
 602 informal conference must be held within 10 days after receipt of
 603 the student athlete's request. If the eligibility dispute is not
 604 resolved at the informal conference, the FHSAA shall provide a
 605 process for the timely and cost-effective resolution of an
 606 eligibility dispute using a neutral third party, including the
 607 use of retired or former judges, mediation, or arbitration. The
 608 neutral third party shall be selected by the parent of the
 609 student athlete from a list maintained by the FHSAA. A final
 610 determination regarding the eligibility dispute must be issued
 611 no later than 30 days after the informal conference. The FHSAA
 612 ~~shall adopt bylaws establishing the process for resolving~~
 613 ~~eligibility disputes must and standards by which FHSAA~~
 614 ~~determinations of eligibility are made. Such bylaws shall~~
 615 provide that:

616 1. Ineligibility must be established by a preponderance of
 617 the clear and convincing evidence.‡

618 2. Student athletes, parents, and schools must have notice
 619 of the initiation of any investigation or other inquiry into
 620 eligibility and may present, to the investigator and to the
 621 individual or body making the eligibility determination, any
 622 information or evidence that is credible, persuasive, and of a
 623 kind reasonably prudent persons rely upon in the conduct of
 624 serious affairs.‡

625 3. An investigator may not determine matters of
626 eligibility but must submit information and evidence to the
627 individual or body designated by the FHSAA ~~executive director or~~
628 ~~a person designated by the executive director or by the board of~~
629 ~~directors~~ for an unbiased and objective determination of
630 eligibility. ~~and~~

631 4. A determination of ineligibility must be made in
632 writing, setting forth the findings of fact and specific
633 violation upon which the decision is based.

634 5. Any proceedings concerning student athlete eligibility
635 must be held in the county in which the student athlete resides
636 and may be conducted by telephone, videoconference, or other
637 electronic means.

638 6. A student athlete may not be declared ineligible to
639 participate in interscholastic athletic competition until a
640 final decision is issued by the neutral third party unless the
641 determination of ineligibility is based on s. 1006.15(3)(b). It
642 is the responsibility of the member school to assess the facts
643 underlying the eligibility dispute and any potential penalties
644 that may result from a determination of ineligibility in
645 deciding whether to allow the student athlete to continue to
646 participate before a final eligibility determination.

647 ~~(h) In lieu of bylaws adopted under paragraph (g), the~~
648 ~~FHSAA may adopt bylaws providing as a minimum the procedural~~
649 ~~safeguards of ss. 120.569 and 120.57, making appropriate~~
650 ~~provision for appointment of unbiased and qualified hearing~~

651 ~~officers.~~

652 ~~(i) The FHSAA bylaws may not limit the competition of~~
653 ~~student athletes prospectively for rule violations of their~~
654 ~~school or its coaches or their adult representatives. The FHSAA~~
655 ~~bylaws may not unfairly punish student athletes for eligibility~~
656 ~~or recruiting violations perpetrated by a teammate, coach, or~~
657 ~~administrator. Contests may not be forfeited for inadvertent~~
658 ~~eligibility violations unless the coach or a school~~
659 ~~administrator should have known of the violation. Contests may~~
660 ~~not be forfeited for other eligibility violations or recruiting~~
661 ~~violations in excess of the number of contests that the coaches~~
662 ~~and adult representatives responsible for the violations are~~
663 ~~prospectively suspended.~~

664 ~~(7) APPEALS.—~~

665 ~~(a) The FHSAA shall establish a procedure of due process~~
666 ~~which ensures each student the opportunity to appeal an~~
667 ~~unfavorable ruling with regard to his or her eligibility to~~
668 ~~compete. The initial appeal shall be made to a committee on~~
669 ~~appeals within the administrative region in which the student~~
670 ~~lives. The FHSAA's bylaws shall establish the number, size, and~~
671 ~~composition of each committee on appeals.~~

672 ~~(b) No member of the board of directors is eligible to~~
673 ~~serve on a committee on appeals.~~

674 ~~(c) Members of a committee on appeals shall serve terms of~~
675 ~~3 years and are eligible to succeed themselves only once. A~~
676 ~~member of a committee on appeals may serve a maximum of 6~~

677 ~~consecutive years. The FHSAA's bylaws shall establish a rotation~~
678 ~~of terms to ensure that a majority of the members' terms do not~~
679 ~~expire concurrently.~~

680 ~~(d) The authority and duties of a committee on appeals~~
681 ~~shall be to consider requests by member schools seeking~~
682 ~~exceptions to bylaws and regulations, to hear undue hardship~~
683 ~~eligibility cases filed by member schools on behalf of student~~
684 ~~athletes, and to hear appeals filed by member schools or student~~
685 ~~athletes.~~

686 ~~(e) A student athlete or member school that receives an~~
687 ~~unfavorable ruling from a committee on appeals shall be entitled~~
688 ~~to appeal that decision to the board of directors at its next~~
689 ~~regularly scheduled meeting or called meeting. The board of~~
690 ~~directors shall have the authority to uphold, reverse, or amend~~
691 ~~the decision of the committee on appeals. In all such cases, the~~
692 ~~decision of the board of directors shall be final.~~

693 ~~(f) The FHSAA shall expedite the appeals process on~~
694 ~~determinations of ineligibility so that disposition of the~~
695 ~~appeal can be made before the end of the applicable sports~~
696 ~~season, if possible.~~

697 ~~(g) In any appeal from a decision on eligibility made by~~
698 ~~the executive director or a designee, a school or student~~
699 ~~athlete filing the appeal must be permitted to present~~
700 ~~information and evidence that was not available at the time of~~
701 ~~the initial determination or if the determination was not made~~
702 ~~by an unbiased, objective individual using a process allowing~~

703 ~~full due process rights to be heard and to present evidence. If~~
 704 ~~evidence is presented on appeal, a de novo decision must be made~~
 705 ~~by the committee or board hearing the appeal, or the~~
 706 ~~determination may be suspended and the matter remanded for a new~~
 707 ~~determination based on all the evidence. If a de novo decision~~
 708 ~~is made on appeal, the decision must be made in writing, setting~~
 709 ~~forth the findings of fact and specific violation upon which the~~
 710 ~~decision is based. If a de novo decision is not required, the~~
 711 ~~decision appealed must be set aside if the decision on~~
 712 ~~ineligibility was not based on clear and convincing evidence.~~
 713 ~~Any further appeal shall be considered on a record that includes~~
 714 ~~all evidence presented.~~

715 Section 5. Subsection (5) of section 1012.795, Florida
 716 Statutes, is amended, and paragraph (o) is added to subsection
 717 (1) of that section, to read:

718 1012.795 Education Practices Commission; authority to
 719 discipline.—

720 (1) The Education Practices Commission may suspend the
 721 educator certificate of any person as defined in s. 1012.01(2)
 722 or (3) for up to 5 years, thereby denying that person the right
 723 to teach or otherwise be employed by a district school board or
 724 public school in any capacity requiring direct contact with
 725 students for that period of time, after which the holder may
 726 return to teaching as provided in subsection (4); may revoke the
 727 educator certificate of any person, thereby denying that person
 728 the right to teach or otherwise be employed by a district school

729 board or public school in any capacity requiring direct contact
 730 with students for up to 10 years, with reinstatement subject to
 731 the provisions of subsection (4); may revoke permanently the
 732 educator certificate of any person thereby denying that person
 733 the right to teach or otherwise be employed by a district school
 734 board or public school in any capacity requiring direct contact
 735 with students; may suspend the educator certificate, upon an
 736 order of the court or notice by the Department of Revenue
 737 relating to the payment of child support; or may impose any
 738 other penalty provided by law, if the person:

739 (o) Has committed a third recruiting offense as determined
 740 by the Florida High School Athletic Association pursuant to s.
 741 1006.20 (2) (b) .

742 (5) Each district school superintendent and the governing
 743 authority of each university lab school, state-supported school,
 744 or private school and the Florida High School Athletic
 745 Association shall report to the department the name of any
 746 person certified pursuant to this chapter or employed and
 747 qualified pursuant to s. 1012.39:

748 (a) Who has been convicted of, or who has pled nolo
 749 contendere to, a misdemeanor, felony, or any other criminal
 750 charge, other than a minor traffic infraction;

751 (b) Who that official has reason to believe has committed
 752 or is found to have committed any act which would be a ground
 753 for revocation or suspension under subsection (1); or

754 (c) Who has been dismissed or severed from employment

755 because of conduct involving any immoral, unnatural, or
 756 lascivious act.

757 Section 6. Subsection (3) of section 1012.796, Florida
 758 Statutes, is amended to read:

759 1012.796 Complaints against teachers and administrators;
 760 procedure; penalties.—

761 (3) The department staff shall advise the commissioner
 762 concerning the findings of the investigation and of all
 763 referrals by the Florida High School Athletic Association
 764 pursuant to ss. 1006.20(2)(b) and 1012.795. The department
 765 general counsel or members of that staff shall review the
 766 investigation or referral and advise the commissioner concerning
 767 probable cause or lack thereof. The determination of probable
 768 cause shall be made by the commissioner. The commissioner shall
 769 provide an opportunity for a conference, if requested, prior to
 770 determining probable cause. The commissioner may enter into
 771 deferred prosecution agreements in lieu of finding probable
 772 cause if, in his or her judgment, such agreements are in the
 773 best interests of the department, the certificateholder, and the
 774 public. Such deferred prosecution agreements shall become
 775 effective when filed with the clerk of the Education Practices
 776 Commission. However, a deferred prosecution agreement shall not
 777 be entered into if there is probable cause to believe that a
 778 recruiting offense, felony, or an act of moral turpitude, as
 779 defined by rule of the State Board of Education, has occurred.
 780 Upon finding no probable cause, the commissioner shall dismiss

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781 | the complaint.

782 | Section 7. This act shall take effect July 1, 2016.